

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

HANEEF MUHAMMAD

:

:

Plaintiff,

:

:

v.

:

:

KROGERS

3637 S. High St

Columbus, Ohio 43207

&

RODNEY MCMULLIN

3637 S. HIGH ST

COLUMBUS OHIO 43207

&

REALIABLE SECURITY

20 S 3rd St Suite 210, Columbus, OH 43215

&

U.S. PROTECTION SERVICES

5785 Emporium Square, Columbus, OH 43231

:

:

Defendants.

:

COMPLAINT

Jury Demand

Now here comes the Plaintiff, Haneef Muhammad (Pro Se), with his Amended Complaint against the Defendants for (1) negligence (2) intentional and unintentional infliction of emotional distress (4) violations of 42 U.S. Code § 1981 (5) violations of §42 U.S.C 2000a. (6) racial profiling and discrimination.

### **PRELIMINARY STATEMENT**

1. This is a negligence action based upon serious, but avoidable injuries Defendant Reliable Security & U.S. Protections caused to Plaintiff Haneef Muhammad, in their capacity as security for a Kroger's Co., a public grocery store.
2. On March 12, 2023, the Defendants Kroger's Reliable Security & U.S. Protections did conspire to deprive the Plaintiff of rights afforded to the Plaintiff by the constitution and laws of Ohio.
3. The Plaintiff did attempt to shop at Kroger's at 3637 South High in Columbus, Ohio On March 12, 2023, where he encountered a security guard working for Kroger's following him and his son on the behalf of Kroger's based off his appearance or race while there were also other customers in the store.
4. The Plaintiff attempted to continue to shop when he was approached by the security guard when who told him to "grab his stuff and head up front".
5. The Plaintiff said "Okay" but asked the security guard politely to not follow him while he was with his son.

6. As the Plaintiff was walking away his son noticed the security guard followed them and began standing at the end of the aisle following him while again there are other customers inside the store.
7. The Plaintiff's son pulled out his phone and started to record. The Plaintiff asked the security guard why he was following him with 5 minutes left while his was with his son. There were other customers in the store who did not receive this treatment. This security guard on behalf of Kroger's was racially profiled the Plaintiff.
8. Another armed security guard showed up on behalf of Kroger's while other customers were in the store aggressively instructing the Plaintiff to leave the store. The Plaintiff pleaded to him that the other security guard was following him, but the security guard had already decided to kick him out the store.
9. The armed security guard began following the Plaintiff towards the front of the store with the Plaintiff telling him that he had to leave. The Plaintiff said he was going to pay for his things first then leave and the security guard said he could not buy his things.
10. Plaintiff pleaded with two Kroger's employee to intervene because the Plaintiff shops at this Kroger's often. The Kroger's employees were able to do nothing and the security guard who was already talking forcefully got aggressive.

11. The Plaintiff noticed he was clutching his firearm which made the Plaintiff panic as he thought he was about to get shot. Inflicting intentional and unintentional emotional distress on behalf of Kroger's.
12. The Plaintiff sent his son to the car because every-time he tried to walk away he could see the security guard with his hands on his firearm and he thought he was going to get shot in the back.
13. On behalf of Kroger's the security guard with his hands on his gun forced the Plaintiff out the store without him having a chance to buy the items he needed for his son's breakfast violating his constitutional freedom to shop where he pleases and enforce contracts.

### **THE PARTIES**

1. Plaintiff Haneef Muhammad Sr.
2. Upon information and belief, at all relevant times Defendants Kroger's Co and PNC. is a for profit business incorporated in the state of Ohio, with an Ohio location operating and located in Columbus, Franklin County, Ohio.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction to hear this matter pursuant to Ohio Rev. Code § 2305.01.
2. This Court is the proper venue for this action, pursuant to Ohio R. Civ. P. 3(B)(1), (2), (3) and (6), as Kroger's, Reliable Security & U.S. Protections conducted activity within Franklin County. Defendant Kroger's conducted

activity that gave rise to the claims and Plaintiffs' claims for relief arose in Franklin County.

3. Pursuant to Ohio R. Civ. P. 8, Plaintiffs state that the amount in controversy exceeds \$25,000.

***First Claim.***

1. In operating a public store Rodney McMullen and Kroger's owed a duty of care to Plaintiff to operate their store in a safe manner and in accordance with the laws of the State of Ohio and the United States of America. Any person regardless of age, color, religion, age and class can shop at Kroger's Co.
2. March 12, 2023, Kroger's breached that duty by allowing their hired security forces Reliable Security & U.S. Protections operating on their behalf to stalk, corner and harass and threaten the Plaintiff with bodily harm not limited to death while the Plaintiff was attempting to shop.
3. As a direct and proximate result of that negligence and breach of duty to the Plaintiff, the Plaintiff could have lost his life inside a store which Rodney McMullen is Ceo. The Plaintiff has suffered mental injuries not limited to emotional distress and mental anguish and a fear of Kroger stores and their security. The Plaintiff deserves damages

***Second Claim:***

1. At all relevant times during the incident described and alleged herein, Defendant Reliable Security & U.S. Protections were acting in the scope and course of their employment, and at the direction of, Defendant Kroger's Co.
2. Under the doctrine of vicarious liability/respondent superior, principal agency and/or agency by estoppel, Defendant Kroger's is liable for the negligent acts of its agents and employees, including but not limited to the negligent actions of Defendants Reliable Security & U.S. Protections. The Plaintiff deserves damages.

***Third Claim:***

1. Racial profiling involves discriminating against, suspecting, or targeting a person based on assumptions and characteristics of a certain racial group, rather than the person's actual behavior.
2. §42 U.S.C. 2000a. (a)All persons shall be entitled to the full enjoyment of goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination on the ground of race, color, religion, or national origin.
3. Kroger's Co is a place of public accommodation, the Plaintiff is a member of a protected class. The Security guard singled out the Plaintiff based off his race and appearance then conspired with another security guard and Kroger's employees to deny the Plaintiff rights afforded to him by the constitution. There were other customers inside the store at the time of this incident. Security guards escorted white customers to their cars but forcefully made the Plaintiff leave under the threat of being shot and denied him the opportunity to shop.

4. 18 U.S. Code § 241 - Conspiracy against rights If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same.
5. The Plaintiff believes because of the color of his skin Kroger's Co. Reliable Security & U.S. Protections did conspire to violate his rights and the Plaintiff was threatened and intimidated with bodily harm if he wanted to purchase goods. The Defendants were working together.
6. Rodney McMullin is aware of the treatment that the Plaintiff faced on behalf of Kroger's on March 12, 2023, if the way Kroger's treats all its customers then this may be a matter for the courts. If this is not how Kroger's treats all its customers, then this is a case of discrimination that the Plaintiff faced, and the Plaintiff deserves compensation.
7. The Plaintiff has contacted the EEOC to no avail. The Plaintiff has also contacted the Columbus Community Relations Commission to no avail. The Columbus Community Relations Commission did find that Kroger's was in fact following the Plaintiff not allowing him to complete his shopping. Kroger's refused to cooperate with their investigation. The defendant Kroger's has chosen to paint the plaintiff in a false light for the Plaintiff choosing to enact his constitutional right and take any issue of discrimination to the courts. The Plaintiff deserves damages.

**WHEREFORE**, the Plaintiff prays that a judgment be entered against the Defendants and he is rewarded any damages the court sees fit.

**JURY DEMAND ENDORSED HERETO**

Respectfully submitted,

/s/ Haneef Muhammad

3040 Southfield

Columbus, Ohio 43407

6148935021

Cmuhammad2@student.csc.edu

**CERTIFICATE OF SERVICE**

I hereby certify that on November 1 2024 a copy the Plaintiff's Complaint was served by the courts electronic system or mail to attorneys for the defendant or the Defendants.

/s/Haneef Muhammad

Haneef Muhammad